

AUG 25 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GINA MARIE LARSEN,

Defendant - Appellant.

No. 05-50704

D.C. No. CR-00-02244-RTB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Roger T. Benitez, District Judge, Presiding

Submitted August 21, 2006**

Before: GOODWIN, REINHARDT, and BEA, Circuit Judges.

Gina Marie Larsen appeals from the district court's order revoking her supervised release and imposing a 6-month prison sentence followed by an

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

additional 24-month term of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we reverse.

Larsen contends that the district court lacked jurisdiction to revoke her supervised release, because the amended petition for the arrest warrant did not contain sworn facts establishing probable cause. We agree.

The amended arrest warrant petition does not state the basis for probable cause on its face, but rather states that probable cause is based on attached documents. However, the record does not show that any documents establishing probable cause accompanied the amended petition at the time the warrant was issued. We conclude that the amended petition is insufficient to support a finding of probable cause. *See United States v. Anderson*, 453 F.2d 174, 177 (9th Cir. 1971) (holding that written affidavit presented to the issuing officer must include facts establishing probable cause). Accordingly, because no valid arrest warrant was issued before the end of Larsen's supervised release, the district court did not have jurisdiction to revoke supervised release. *See* 18 U.S.C. § 3583(i).

REVERSED.